

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bruce L. Daugherty, et al.

Serial No.: (To be assigned) Case 19634YDA Art Unit: 1646

Filed: (To be assigned) Examiner: Prema Mertz

For: EOSINOPHIL EOTAXIN RECEPTOR

The Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Applicants respectfully requests entry of the following amendments prior to prosecution of the subject application. This Preliminary Amendment is being submitted concurrently with the filing of a Divisional Application under 37 CFR § 1.53(b).

Any additional fees associated with this Amendment may be charged to Merck Deposit Account No. 13-2755. Please amend this application as follows.

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT August 6, 2001

EXPRESS MAIL NO. ET 523910462US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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DATE August 6, 2001

Add new Claims 36-49 as follows:

37. The nucleic acid of Claim 36 which further comprises the nucleotide sequence as set forth in SEQ ID NO:3.

39. A vector comprising a nucleic acid which encodes a human eosinophil eotaxin receptor receptor, said nucleic acid having the nucleotide sequence as set forth in SEQ ID NO:2.

40. The vector according to Claim 39 which is selected from the group consisting of: plasmids, modified viruses, yeast artificial chromosomes, bacteriophages, cosmids and transposable elements.

41. A host cell comprising the vector according to Claim 39.

42. The host cell of Claim 41 which is from the AML14.3D10 cell line.

43. A method to determine the presence of a compound which binds to a human eosinophil eotaxin receptor comprising:

(a) introducing a nucleic acid which encodes the human eosinophil eotaxin receptor which comprises the nucleotide sequence (SEQ ID NO:2) into a cell under conditions so that eosinophil eotaxin receptor is expressed;

(b) introducing a detector molecule or a nucleic acid encoding a detector molecule into the cell, wherein the detector molecule is directly or indirectly responsive to a eosinophil eotaxin-ligand binding event;

(c) contacting the cell with a compound suspected of binding to the eosinophil eotaxin receptor; and

(d) determining whether the compound binds to the eosinophil eotaxin receptor by monitoring the detector molecule.

44. The method of Claim 43 wherein the result of step (d) is compared to that obtained using a known ligand of the eosinophil eotaxin receptor.

45. The method of Claim 44 wherein the known ligand of the eosinophil eotaxin receptor is eotaxin.

46. The method of Claim 44 wherein the known ligand of the eosinophil eotaxin receptor is RANTES.

47. The method of Claim 44 wherein the known ligand of the eosinophil eotaxin receptor is MCP-3.

48. The method of Claim 43 wherein the eosinophil eotaxin receptor is expressed in a host cell which does not naturally express the human eosinophil eotaxin receptor

49. The method of Claim 48 wherein the host cell is from the AML14.3D10 cell line.

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REMARKS

This Preliminary Amendment is being submitted concurrently with the filing of a Divisional Application under 37 CFR § 1.53(b).

This Preliminary Amendment is being presented to claim previously non-elected inventions (i.e. nucleic acid and ligand binding assay) in the parent application Serial No. 08/847,296, filed April 24, 1997 (which was subject to a requirement for restriction in Paper Number 11 dated April 21, 1998).


Claims 1-35 have been canceled without prejudice and rewritten as new Claims 36-49 to direct the claims to alternate embodiments of Applicant's invention with respect to the claims which were allowed in the parent application. Support for this amendment is found e.g., on page 6, line 29 to page 15, line 28; page 7, lines 14-15 of the specification and the claims of the application as filed.

The claims under consideration are Claims 36-49.

Submitted herewith is an Information Disclosure Statement with respect to references of record in the parent application Serial No. 08/847,296.

The Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

By 
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Date: August 6, 2001

On Page 1, lines 5-8, delete the first paragraph has been amended as follows:

~~This application claims priority is a Division of Serial No. 08/847,296, filed April 24, 1997, which claims the benefit under 35 U.S.C. § 119(e) from provisional application Case Number 19634PV, filed April 26, 1996 and from provisional application Case Number 19697PV, filed April 26, 1996 as USSN 60/016,158 Serial No. 60/016,158, filed April 26, 1996 and from Serial No. 60/016,158, filed April 26, 1996.~~